

REMARKS

Claims 74-102 are pending in the application, with claims 74, 75 and 90 being independent. Claims 75, 91 and 92 are proposed to be amended herein to better claim the invention by clarifying or rephrasing existing claim language or limitations, and are not intended as narrowing amendments. Specifically, claim 75 has been amended to change “the” to “a,” and claims 91 and 92 has been amended to clarify the claim language. Applicant notes that the Examiner acknowledged only claims 74-101 in the Summary section on page 2 of the Office Action, whereas claims 74-102 are actually pending, and as the Examiner subsequently indicates on page 3 of the Office Action [at 4]. Since the only rejection contained in the Office Action is a non-statutory double patenting rejection, Applicant presumes that the pending claims are otherwise allowable over the prior art of record. In conformance with the Examiner Interview of October 24, 2006, the specification has also been amended to incorporate the subject matter of independent claims 74, 75 and 90 into the Summary section of the specification. No new matter has been added. Reconsideration of the application is respectfully requested in view of the proposed amendments and additional remarks to follow.

Examiner Interview

In a telephonic call on October 24, 2006 with Examiner Salad, Applicant’s undersigned representative inquired on several issues including whether the Examiner examined all pending claims 74-102 since the summary section of the Office Action lists claims 74-101. The Examiner stated that all claims 74-102 have been examined and are entered. The Examiner also concurred that the Summary section of the Specification may be amended to include a summarization of the pending independent claims 74, 75 and 90, without adding new matter.

Non-Statutory Double Patenting Rejection

Claims 74-102 have been rejected under the judicially created doctrine of double patenting over claims 1-78 of U.S. Patent No. 6,751,670. Applicant traverses this

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rejection by submission of a terminal disclaimer, attached herewith. Applicant submits that, in view of the terminal disclaimer, the double patenting rejection should now be withdrawn and that all claims should be promptly allowed.

Other Matters

Applicant respectfully requests that the Examiner initial and return copies of previously submitted IDS forms filed June 29, 2006, August 17, 2006, as well as the IDS being submitted herewith.

Conclusion

In view of the foregoing amendments, terminal disclaimer, Applicant submits that all of the pending claims are in clear condition for immediate allowance. Applicant respectfully requests that the application be passed promptly to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles J. Gross", written in a cursive style.

Charles J. Gross
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